IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

Bail Appl..No. 7309 of 2007()

CRIME NO. 337/07 OF EZHUKONE POLICE STATION
CRMP.3467/2007 of D.C. & SESSIONS COURT,KOLLAM
CRMP.3578/2007 of II ADDL. DISTRICT COURT, KOLLAM

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PETITIONER/1ST ACCUSED:

MIDHUNRAJ, S/O. THYAGARAJAN,
CHANDRODAYAM VEEDU, KOLANNOOR MURI,EZHUKONE,KOLLAM

BY ADV. SRI.ALAN PAPALI
SRI.M.REVIKRISHNAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7309 of 2007

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Dated this the 29th day of November, 2007

O R D E R

Application for regular bail. The petitioner is the first accused. He faces allegations for offences punishable under Sections 365 and 376 r/w. 511 I.P.C. The petitioner was arrested on 27.9.2007. There is no allegation that the petitioner attempted to commit rape. He is only imputed with the common intention along with the co-accused in the attempt to commit the offence. The petitioner has remained in custody from 27.9.2007. Investigation is not complete. Final report has not been filed yet. The learned counsel for the petitioner submits that even if the entire allegations were accepted, the petitioner, who has remained in custody from 27.9.2007, is now entitled for bail by default under the proviso to Section 167(2) Cr.P.C. The petitioner may hence be enlarged on bail.

2. The learned Prosecutor does not oppose the application and I am satisfied in the facts and circumstances of the case that

the petitioner can be released on bail, subject to appropriate terms and conditions.

3. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) He shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 12 noon. on all Mondays and Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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